

## **REMARKS**

### **Status of Claims**

Claims 27-29 are pending, of which claims 27 and 29 are independent.

Claims 1-26 have been cancelled without prejudice. Claims 27-39 have been added. No new matter has been added.

### **Patentability of the Claims**

Claims 1, 3, 6-10, 13-14, 16-17 and 24-25 were rejected under 35 U.S.C. § 103(a) as being anticipated by Bertram et al. (US 2003/0042850). Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertram et al. as applied to claim 1, and further in view of Watanabe et al. (US 2002/0015859). Claims 19-21, 23 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertram et al. in view of Koyama (US 2004/0207578). Since these claims have been cancelled, these rejections are moot.

With respect to new claims 27-29, Applicants respectfully submit that, at a minimum, Bertram fails to disclose the use of “*an oxide or composite oxide as a host containing one or more elements selected from Ga, Sn and Ti, wherein a metal element is doped as an activator agent and serves as a center of the emission,*” as recited by claims 27 and 29. In the instant Office Action, the Examiner asserts that Group II-VI semiconductor material disclosed by Bertram may include ZnO and InO.

Applicants submit, however, that Bertram does not disclose the use of any oxide of group II element (it should be noted that indium is neither group II nor group IV element). Further, since Bertram fails to disclose the use of oxide of Zn (or In), it cannot be said that selection of one of the known materials for known purposes is within the skill of art. The

Examiner fails to provide any factual basis that oxide of Zn (or In) is suitable as the material for the quantum dots of Bertram or for a center of the emission in the present disclosure.

Accordingly, the Examiner's assertion has no merit.

Nonetheless, Applicants have amended the claims and submit that it is clear that Bertram fails to disclose the use of "*an oxide or composite oxide as a host containing one or more elements selected from **Ga, Sn and Ti**,*" as recited by claims 27 and 29. Further, it is clear that Bertram fails to disclose the use of an oxide or composite oxide wherein "*a metal element is doped as an activator agent and serves as a center of the emission,*" as recited by claims 27 and 29.

As such, since Bertram fails to disclose the above identified features of claims 27 and 29, claims 27-29 are patentable over Bertram.

**CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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